

ESTTA Tracking number: **ESTTA61248**

Filing date: **01/10/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91125615
Party	Plaintiff UNIVERSITY OF SOUTHERN CALIFORNIA
Correspondence Address	SCOTT A. EDELMAN GIBSON DUNN & CRUTCHER, LLP 1801 CALIFORNIA STREET, SUITE 4200 DENVER, CO 80202 sedelman@gibsondunn.com; arobertsonbora@gibsondunn.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Michael S. Adler, Esq.
Filer's e-mail	pto-cc@gibsondunn.com, madler@gibsondunn.com
Signature	/michael adler/
Date	01/10/2006
Attachments	NOR13.pdf (8 pages)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

UNIVERSITY OF SOUTHERN
CALIFORNIA,

Opposer,

v.

UNIVERSITY OF SOUTH CAROLINA,

Applicant.

Opposition No. 91125615

Serial No. 75/358,031

Mark: **SC (Stylized)**

Filed: September 16, 1997

Published: May 18, 1999

**OPPOSER'S NOTICE OF RELIANCE NO. 13
RELATING TO DOCUMENTS PRODUCED DURING DISCOVERY IN THIS ACTION
AND ADMISSIBLE BY NOTICE OF RELIANCE PURSUANT TO STIPULATION
BETWEEN ALL PARTIES**

Pursuant to Supplemental Stipulation Regarding Documents entered into between Opposer the University of Southern California ("Opposer" or "California") and Applicant, the University of South Carolina, ("Applicant" or "Carolina") (collectively "Parties") on or about December 22, 2005, and filed with the Board on December 29, 2005, the Parties have agreed that certain documents produced in discovery in this case may be admitted into evidence by means of a notice of reliance. Specifically, the Parties stipulated as follows with respect to the documents identified below:

Opposer University of Southern California ("California") and University of South Carolina ("Carolina") (collectively "Parties") agree and stipulate that for the purposes of this action, the following documents are authentic and may be admitted into evidence by means of a notice of reliance. The Parties further agree and stipulate that for the purposes of this action these documents shall be considered as business records and/or ancient documents, and the Parties waive any other hearsay objections to the documents *except* that the Parties retain the right to object to material in such documents that constitutes hearsay within hearsay to the extent that such objections would have been otherwise available.

In accordance with TBMP §§ 704.11 and 705, documents may be made of record in an inter partes proceeding before the Board by stipulation of the parties. Attached as Exhibits 248 through 249, respectively, are true and correct copies of the following documents produced in discovery in this action and stipulated to by the Parties:

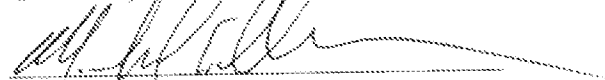
Opposer's Exhibit No.	Bates Range	Description
248	OPP 04586 - OPP 04587	Printout of hat bearing Opposer's SC baseball mark from Lids / Hatworld online retail store
249	OPP 04563	Printout of hat bearing Applicant's SC baseball mark from Lids / Hatworld online retail store

Opposer hereby gives Notice that it will rely upon these documents. The documents are relevant in this action to demonstrate that Opposer's goods bearing Opposer's SC baseball mark and goods of Applicant, the University of South Carolina, bearing Applicant's SC baseball mark are similar and are sold in exactly the same channels of trade.

Dated: January 12, 2006

Respectfully submitted,

GIBSON, DUNN & CRUTCHER, LLP



Scott A. Edelman

Michael S. Adler

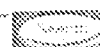
2029 Century Park East

Los Angeles, CA 90067-3026

Telephone: (213) 229-7919

Attorneys for Opposer

University of Southern California



[PASSPORT CLUB](#) | [VENDOR SEARCH](#) | [STYLE SEARCH](#) | [SIZE SEARCH](#) | [ADVANCED SEARCH](#)
[NFL](#) | [NBA](#) | [NHL](#) | [MLB](#) | [HELMETS](#) | [NCAA](#) | [RACING](#) | [BRANDED GEAR](#) | [LIDS CREATE YOUR OWN](#)

Show Per Page

USC Trojans

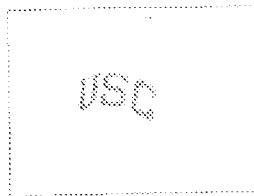
1 Page 1 of 1 Items Displayed



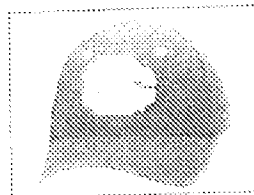
USC Trojans
Baseball Cap



USC Trojans
Baseball Cap



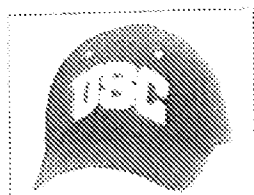
USC Trojans
Baseball Cap



USC Trojans
Baseball Cap



USC Trojans
Baseball Cap



USC Trojans
Baseball Cap



USC Trojans
Baseball Cap



USC Trojans
Football Helmet

USC Trojans

Company Information

[About us](#)
[In The News](#)
[Career Opportunities](#)
[Affiliate Programs](#)

Customer Care

[Specials](#)
[Privacy Policy](#)
[Return Policy](#)
[Shipping & Handling](#)

[FAQ'S](#)
[My Account](#)
[Sign up for Email](#)
[Contact Us](#)

Getting Around

[Shopping Cart](#)
[Store Locations](#)
[Gift Cards](#)
[Sales Code](#)

Copyright © 2003 HATWORLD/LIDS. All Rights Reserved.

Opposition No. 91125615
 Univ. Southern California v.
 Univ. South Carolina

Opposer's
 Ex. No. 148, Pg. No. 1

OPP 04586

Back Image

Back Image



Opposition No. 91125615
Univ. Southern California v.
Univ. South Carolina

Opposer's
Ex. No. 248 Pg. No. 2

OPP 04587



View Cart | Sign In
 Item # | My Account
 Subtotal: \$0.00 | Order Status

Customer Care: 1-888-566

Product Search

Advanced

Free Goods Friday | Passport Club | Create Your Own | Email Sign Up | Gift Cards | Sizing Chart | Shipping | Return Policy

SHOP BY

HOT STYLES

MLB

NFL

NBA

NCAA

SHOP BY TEAM

APPAREL

WOMEN'S

GREEK LIFE

2 FOR \$20

2 FOR \$30

NHL

RACING

BRANDS

POP CULTURE

HELMETS

APPAREL

WOMEN

KIDS

ACCESSORIES

CLEARANCE SALE

POWER RANKINGS

YOUR TEAM

MLB

NFL

NBA

NCAA

NHL

RACING



Create Your Own Hat

Home : NCAA : South Carolina Gamecocks : Style 20038061



South Carolina Gamecocks

Nike Team Sports Nike Team Sports Screen

Price: \$18.00 Club Price: \$14.40

Style: 20038061

Quantity 1

Buy One Get One Half Off
 Free Shipping Details
 Not sure? Buy a Gift Card

Adjustable

Add to Cart

In Stock - leaves within 1-2 business days (Default)

View More Images

Online Guide to Finding I

Product Details

Color: Maroon

Fabric: Cotton

Structure: Easy Adjustable

Closure: Adjustable

The Screen features a screen printed/embroidered logo on the front and has a pull-thru strap closure in the back. Made of 100% Cotton.

View all Nike Team Sports Nike Team Sports Screen

Product Promotions

Buy One Get One Half Off

Get 50% off this product when you purchase any other item of equal or greater value. This Half Off promotion will not last long. Save today!

*Passport/HeadFirst members do not receive an additional 20% off on hats purchased in conjunction with this promotion.

Free Shipping

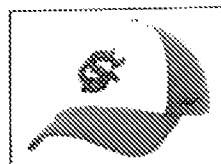
- * Spend \$50 or more on lids.com and ground shipping is free!
- * You can purchase your hats on lids.com and have them shipped to a LIDS or HATWORLD store for FREE! That's right, ship your hats for free and your new hats will arrive in the store in 10 to 14 business days.

*Excludes Gift Card purchases

*Excludes items marked as "Special Order"

*Excludes items purchased at LIDS CREATE YOUR OWN

Other Items



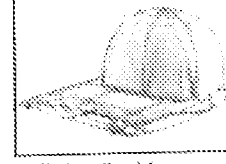
NCAA Alter Ego
 Stretch-Fit | \$22.99
 Club Price \$18.39



Nike Team Sports
 Screen
 Adjustable | \$18.00
 Club Price \$14.40



NCAA Highlight
 Black and White
 Stretch-Fit | \$22.99
 Club Price \$18.39



Ball Cap Buddy
 \$4.99
 Club Price \$4.49



LID

Company Information

In The News

Career Opportunities

Frequently Asked Questions

Store Locations

Affiliate Program

Contact Us

Site Map

Genesco

CUSTOMER CARE DEPARTMENT: Open 24 hours a day, 7 days a week. Call us toll-free at 1-888-566-5666.
 © 2005 LIDS, Genesco. All Rights Reserved.

OPP 04563

Opposition No. 91125615

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **OPPOSER'S NOTICE OF RELIANCE NO. 13 RELATING TO DOCUMENTS PRODUCED DURING DISCOVERY IN THIS ACTION AND ADMISSIBLE BY NOTICE OF RELIANCE PURSUANT TO STIPULATION BETWEEN ALL PARTIES** is being placed in the United States mail, first class, postage pre-paid, on January 10, 2006, addressed to the following:

John C. McElwaine
Liberty Center, Suite 600
151 Meeting Street
Charleston, SC
29401-2239

Attorneys for Applicant University of South Carolina

A copy is being sent by e-mail to ICM@nmrs.com on the same date.


Mandy Robertson-Bora

20188425_2.0007